

OVERVIEW of the Daf

1) Betrothal with money (cont.)

The premise that the law regarding a na'arah's betrothal could be derived from a pasuk discussing a maidservant is unsuccessfully challenged.

The availability of the pasuk **ויצאה חנם** to teach a law regarding the betrothal of a na'arah is unsuccessfully challenged.

Precedent that one can make an exposition because the Torah included the letter "י" is cited.

The Gemara explains why separate expositions are needed to teach that a father collects the betrothal money of his daughter as well as her wages.

2) A maidservant's freedom

A Baraisa earlier cited two expositions from the same pasuk that a maidservant goes free when she becomes a bogeres and when she becomes a na'arah.

Rabbah explains the necessity for both expositions and cites precedent for this style of exposition.

Abaye challenges the comparison between our case and the parallel case cited by Rabbah.

Abaye, therefore, suggests that the additional exposition teaches the halacha of an aylonis.

Mar bar R' Ashi challenges this explanation and suggests an alternative explanation.

Mar bar R' Ashi's challenge against Abaye is unsuccessfully challenged.

3) Betrothal with money (cont.)

A Baraisa is cited that provides another source for the halacha that a woman can be betrothed with money.

R' Ashi clarifies the last part of the Baraisa.

The necessity for two separate expositions to teach that a woman can be betrothed with money is explained.

4) Kiddushin through **ביאה**

A Baraisa is cited that teaches that a woman can be betrothed with **ביאה**.

R' Ashi explains why an exposition is necessary to teach that a woman can be betrothed with **ביאה** and why the logical approach is insufficient. ■

Distinctive INSIGHT

Which case of a servant is indicated in the verse?

הוה שכיר מילתא דאתיא בקל וחומר, ומילתא דאתיא בקל וחומר טרח וכתב לה קרא

Our Gemara explicitly states that a **תושב** is a resident worker who has had his ear pierced in order to remain indebted and stay with his kohen master until Yovel. In spite of his commitment, he is still not considered **קנין כספו** of the kohen and he may not eat from the teruma of his master. From this we can conclude, using a **קל וחומר**, that a slave who is working just for the duration of the initial six years of his term certainly does not have the privilege of eating from the teruma of his kohen owner.

Rambam (Hilchos Terumos 6:5) writes that a non-kohen may not eat teruma, even if this non-kohen is a worker who is committed until the Yovel (**תושב**), or for six years (**שכיר**), he may not eat teruma. He then adds, "A Jewish slave has the same law as a **תושב** and **שכיר**." The commentators note that the final comment of Rambam seems to have no meaning, as the **תושב** and **שכיר** discussed in the Gemara are examples of the Jewish slave himself. What does Rambam add by saying that we learn the law of a Jewish slave from these other workers?

Kesef Mishnah explains that, indeed, the Mishnah is speaking about a six-year or Yovel worker who are Jewish slaves. However, the verses deal in a case where they were sold by the court for having stolen. Rambam adds that even a Jewish slave who sold himself may also not eat teruma.

Avnei Milu'im questions the approach of Kesef Mishnah, as he points out that there does not seem to be any conceptual difference whether a slave was sold by the court or if he sold himself into slavery. In fact, it is even more logical to say that when the court sells him that the owner has more authority over him. Once the verse teaches that he may not eat teruma, we certainly know that one who sells himself is also ineligible to eat teruma, and there would be no need for Rambam to teach this.

Avnei Milu'im explains that one whose ear is pierced in order to stay indentured is certainly not "קנין כספו." One who sells himself is prohibited to be assigned to a maidservant, so his association with the kohen does not earn him the right to eat teruma. The lesson of the verse is necessary for the case of one sold by the court, and during his first six years of service, where one might have thought that he is "קנין כספו". ■

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 By Carol Salinger, her children Michael Salinger,
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HALACHAH Highlight

Is there a value for a grandson to say kaddish for a grandparent

דבני בנים הרי הן כבנים

Grandchildren are like children

Poskim discuss the question of whether there is an advantage for a grandson to recite kaddish for his deceased grandfather or whether the grandson carries no further advantage than anyone else (assuming there is no son to recite kaddish). One of the sources that suggest that it is appropriate for a grandson to recite kaddish for his grandfather is our Gemara that states that grandchildren are like children. Accordingly, it is logical to assume that just as a son should recite kaddish for his father so too a grandson should recite kaddish for his grandfather.

Teshuvos Maharik¹ rules that a grandson has no greater obligation to recite kaddish for his grandfather than any other person. The reason is that the recitation of kaddish is a function of a child's obligation to honor his father and we do not find that a grandson has an obligation to honor his grandfather. Regarding the statement that grandchildren are like children, Maharik explains that that statement refers specifically to fulfillment of the mitzvah of **פרו ורבו** but it was not intended to be a statement of an obligation for a grandson to honor or recite kaddish for his grandfather. Proof to this idea is that there are opinions that hold that a grandson is allowed to testify as a witness for his grandfather and if Chazal had taught that a grandson is like a son for all matters how could one ever

REVIEW and Remember

1. What is the source that teaches that one can make an exposition from the appearance of a "י" in a word?
2. According to Abaye, what is derived from the exposition that a maidservant goes free when she becomes a **בוגרת**?
3. Why are two expositions necessary to teach that a woman can be betrothed with money?
4. What is the source that a woman can be betrothed with **ביאה**?

suggest that a grandson should be permitted to serve as a witness for his grandfather?

Rema² disagrees with Maharik regarding the assertion that there is no obligation for a grandson to honor a grandfather. Although it is true that there is a greater obligation to honor a father than a grandfather, nonetheless, there is an obligation to honor a grandfather as well. Kesav Sofer³ cites a Midrash that teaches that the mitzvos of a grandson provide merit for his grandfather. Teshuvos Knesses Yechezkel⁴ also rules that kaddish recited by a grandson is as beneficial for the deceased as kaddish that is recited by a son. ■

1. שו"ת מהר"ק סי' ל'.
2. רמ"א יו"ד סי' ר"מ סעי' כ"ד.
3. כתב סופר לבראשות כ"ה, י"ט.
4. שו"ת כנסת יחזקאל סי' ר"מ. ■

STORIES Off the Daf

"Grandchildren are like Children"

"דבני בנים הרי הן כבנים..."

Acertain elderly man unfortunately lost all of his children in his lifetime. He was, however, lucky that both his sons and daughters had children of their own. Since he was wealthy, he allowed them to live in his house at his own expense. On his deathbed he stipulated that his money should be forbidden to his children if they marry into a certain family. Soon afterward, the man died.

The local rabbi asked the Ben Ish Chai, zt"l, if this also applied to his daughter's children or only his sons? He also wondered if this applies to the grandchildren at all, since in Shulchan Aruch we find that one who vows not to derive benefit from his children may derive benefit from his grandchildren. "In light of this, perhaps his words could not apply to his grandchildren?"

The Ben Ish Chai replied, "If any of the grandchildren marry into the family he designated, they forfeit their share of their grandfather's estate. To do so would be to defy a dictum of the sages in Yevamos, that the sons of daughters are like children. Although the Midrash

learns that they are not like children, the prevailing opinion is like our Gemara, which holds that they are like children."

He continued, "As far as the halachah in Shulchan Aruch is concerned, it is important to note that when it comes to vows, we interpret a person's statement based on common usage of terms. When a man prohibits himself from deriving benefit from his children he doesn't usually mean his grandchildren. In our case, the opposite is true. He clearly meant his grandchildren since he had no surviving children!"¹ ■

1. שו"ת תורה לשמה, סי' רכ"א